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8 DUNN and SHERIFF's DEPARTMENT
8 OF SAN JOAQUIN COUNTY

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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

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13 ROBERT T. BROWN, individually and on
14 behalf of Class of Persons similarly situated,

14 Plaintiff,
15
16 vs.

17 COUNTY OF SAN JOAQUIN, SHERIFF
18 BAXTER DUNN, SHERIFF'S DEPARTMENT
18 OF SAN JOAQUIN COUNTY and DOES I
through X inclusive,

19 Defendants.

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21 **CASE NO. CIV.S-04-2008 FCD PAN**

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23 **STIPULATED ORDER EXTENDING**
PRETRIAL SCHEDULING
DEADLINES

24
25 **"AS MODIFIED"**

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27 Plaintiff ROGER T. BROWN and Defendants COUNTY OF SAN JOAQUIN, SHERIFF
28 BAXTER DUNN and SHERIFF'S DEPARTMENT OF SAN JOAQUIN COUNTY, by and
through their respective counsel, respectfully submit this STIPULATED ORDER EXTENDING
DISCOVERY COMPLETION DEADLINE for consideration by the Court. The Parties believe
that good cause exists for the requested extension as set forth below due primarily to changes in
Plaintiff's Counsel Bruce W. Nickerson's busy criminal trial schedule during the months of
October and November, 2005.

STIPULATION

The Parties hereby stipulate as follows:

3 1. On or about December 30, 2004, Plaintiff's Counsel filed and served the
4 Amended Class Action Complaint in this action.

5 2. Following submission of a Joint Status Report by the Parties on January 3, 2005,
6 the Court issued its Status (Pretrial Scheduling) Order on or about February 18, 2005. The
7 Court's Order set the completion deadline of November 30, 2005. There have been no previous
8 extensions granted of the discovery completion deadline.

9 3. Plaintiff propounded written interrogatories and document requests on Defendants
10 on or about March 23, 2005, which interrogatories and requests for production were responded to
11 by Defendants pursuant to a brief extension on or about May 12, 2005.

12 4. Plaintiff has designated an expert witness, Jeff LeTourneau, and Defendants
13 deposed Plaintiff's expert on July 21, 2005. Defendants have not designated any expert
14 witnesses for this action.

15 5. Defendants propounded written interrogatories and requests for production to
16 Plaintiff on or about October 12, 2005. Due to the busy trial schedule of Plaintiff's Counsel,
17 Defendants have granted Plaintiff an extension until November 18, 2005 for responses to this
18 written discovery. At the time of this stipulation, Defendants' Counsel has not seen the
19 discovery responses or documents, if any, produced by the Plaintiff and cannot determine
20 whether the responses or objections of the Plaintiff are adequate.

21 6. Defendants also noticed Plaintiff's deposition for November 18, 2005 and the
22 deposition of Plaintiff's spouse for November 3, 2005. Pursuant to negotiations with Plaintiff's
23 Counsel, and in order to accommodate the trial schedule of Plaintiff's Counsel at that time, it was
24 agreed by the Parties to schedule both depositions on November 23, 2005.

25 7. Subsequent to the agreement of the Parties regarding the deposition schedule,
26 Plaintiff's Counsel learned on November 14, 2005, that the Superior Court of California for Los
27 Angeles County would be setting a criminal trial in which Plaintiff's Counsel represents a
28 defendant to trial for the dates of November 21, 2005 to November 23, 2005. This trial had

1 originally been scheduled for the week of November 14 - 18, 2005. The Parties have discussed
2 alternative dates in November for the depositions but either Plaintiff's Counsel is scheduled for
3 trial in other matters or the Plaintiff will not be available.

4 8. Pending the issuance of the accompanying Order by the Court, the scheduled
5 deposition of the Plaintiff and his spouse remains set for November 23, 2005, a date on which
6 Plaintiff's Counsel is now scheduled to be in trial in the Superior Court in Los Angeles County
7 and unavailable to cover the deposition.

8 9. The Pre-trial Conference in this action is set for April 21, 2006 and Trial is
9 scheduled to begin June 6, 2006. The current deadline for hearing of dispositive motions is
10 January 27, 2006.

11 10. Based on the foregoing facts, the Parties respectfully request the Court order an
12 extension of the deadline for completion of discovery including all discovery motions, and of the
13 deadline for hearing of dispositive motions. So long as acceptable to the Court, the Parties do
14 not believe the requested extensions as set forth below require any extension or rescheduling of
15 the Pre-Trial Conference or Trial dates.

11. The Parties suggest the following new deadlines be ordered by the Court:

Completion of Discovery (including any motion hearings) January 31, 2006

Respectfully submitted,

OFFICE OF THE COUNTY COUNSEL

23 || Dated: November 15, 2005

By: /s/ Daniel C. Cederborg
DANIEL C. CEDERBORG
Deputy County Counsel

Attorneys for Defendants,
COUNTY OF SAN JOAQUIN, SHERIFF
BAXTER DUNN and SHERIFF'S
DEPARTMENT OF SAN JOAQUIN
COUNTY

1 Dated: November 15, 2005
2

3 By: /s/ Bruce W. Nickerson
4 BRUCE W. NICKERSON
5 Attorney at Law

6 Attorney for Plaintiff,
7 ROBERT T. BROWN

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9 **ORDER OF THE COURT**

10 The Parties to this action having stipulated to an extension of the discovery completion
11 deadline and the deadline for hearing any dispositive motions, and good cause appearing,

12 IT IS HEREBY ORDERED THAT:

13 1. The deadlines set in the Court's Status (Pretrial Scheduling) Order are modified as
14 follows:

15 Discovery Completion Deadline

16 (including hearings on any motions) January 31, 2006

17 Deadline for Hearings on Dispositive Motions March 24, 2006

18 2. In light of the above extensions the court shall also move the following dates:

19 Pre-trial Conference RESET to June 2, 2006 at 3:30 p.m.; and

20 Jury trial date RESET to August 22, 2006 at 9:00 a.m.

21 IT IS SO ORDERED.

22 Date: November 17, 2005

23 /s/ Frank C. Damrell Jr.
24 Hon. Frank C. Damrell, Jr.
25 United States District Judge